

REMARKS

Claims 1-6 have been cancelled, thereby rendering the rejections of these claims moot, and claims 31 and 32 have been newly added. As a result, claims 7-32 are pending. Based on the foregoing amendments and following remarks, reconsideration and allowance of this application is respectfully requested.

Abstract Objection

Applicant has amended the abstract to correct the informality noted by the Examiner, and as such, respectfully request withdrawal of the objection to the Abstract.

Specification and Figure Objections

Applicant has amended the specification and figures to correct the informalities noted by the Examiner, and as such, respectfully requests withdrawal of the objections of the specification and figures.

Claim Rejections-35 U.S.C. §§102, 103

Hanslik

Claims 20-22, 28, and 29 stand rejected under 35 U.S.C. §102(b), as being anticipated by German Patent DE 29 10 627 A1 to Hanslik et al. ("Hanslik"). Claims 23, 27, and 30 stand rejected under 35 U.S.C. §103(a) as being obvious over Hanslik. Applicant respectfully traverses these rejections, since Hanslik does not disclose, teach, or suggest the combination of elements required by claims 20-23 and 27-30, as amended.

In particular, independent claim 20 has been amended to require the method to include the step of introducing a cannula within the bone structure, and to require the

biocompatible wires to be unconnected when introduced through the cannula. Hanslik does not disclose the combination of these features.

Thus, Applicant submits that independent claim 20, as well as the claims depending therefrom (claims 21-23 and 27-30), are not anticipated by or obvious over Hanslik, and as such, respectfully request withdrawal of the rejections of these claims with respect to Hanslik.

Renvert

Claims 20, 22, and 27 stand rejected under 35 U.S.C. §102(b), as being anticipated by PCT Publication WO 98/35628 to Renvert ("Renvert"). Applicant respectfully traverses this rejection, since Renvert does not disclose each and every element required by these claims, as amended.

In particular, independent claim 20 has been amended to require the method to include the step of introducing a cannula within the bone structure, and to require the biocompatible wires to be unconnected when introduced through the cannula. Renvert does not disclose the combination of these features.

Thus, Applicant submits that independent claim 20, as well as the claims depending therefrom (claims 22 and 27), are not anticipated by Renvert, and as such, respectfully request withdrawal of the rejections of these claims with respect to Renvert.

Comfort

Claims 20, 22, 24, 25, and 27 stand rejected under 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 6,143,036 to Comfort ("Comfort"). Claims 26 and 28-30 stand rejected under 35 U.S.C. §103(a) as being obvious over Comfort. Applicant

respectfully traverses these rejections, since Comfort does not disclose, teach, or suggest the combination of elements required by claims 20, 22, and 24-30, as amended.

In particular, independent claim 20 has been amended to require the method to include the step of introducing a cannula within the bone structure, and to require the biocompatible wires to be unconnected when introduced through the cannula. Comfort does not disclose the combination of these features.

Thus, Applicant submits that independent claim 20, as well as the claims depending therefrom (claims 22 and 24-30), are not anticipated by or obvious over Comfort, and as such, respectfully request withdrawal of the rejections of these claims with respect to Comfort.

Thomas

Claims 7, 8, 17, 18, 20, 21, 24, 25, 28, and 29 stand rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent Publication No. 2003/0074075 to Thomas et al. ("Thomas"). Claims 9-16, 19, 22, 23, 26, 27, and 30 stand rejected under 35 U.S.C. §103(a) as being obvious over Thomas. Without acquiescence that Thomas qualifies as a §102(e) prior art, and without prejudice to antedate this reference should it become reference, Applicant respectfully traverses these rejections, since Thomas does not disclose, teach, or suggest the combination of elements required by claims 7-30, as amended.

In particular, independent claim 7 has been amended to require the biocompatible wires to be unconnected. Independent claim 20 has been amended to require the

biocompatible wires to be unconnected when introduced through the cannula. Thomas does not disclose the combination of these features.

Thus, Applicant submits that independent claims 7 and 20, as well as the claims depending therefrom (claims 8-19 and 21-30), are not anticipated by or obvious over Thomas, and as such, respectfully request withdrawal of the rejections of these claims with respect to Thomas.

New Claims

Applicant submits that newly added claims 31 and 32 find support in the specification, as originally filed, and are patentable over the cited prior art for at least the same reasons as independent claims 7 and 20 from which they depend are patentable.

Conclusion

Based on the foregoing, it is believed that all claims are now allowable and a Notice of Allowance is respectfully requested. If the Examiner has any questions or comments regarding this response, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849.

Respectfully submitted,

VISTA IP LAW GROUP LLP

Dated: October 24, 2006

By:


Michael J. Bolan
Reg. No. 42,339

Customer No. 41696
Vista IP Law Group LLP
12930 Saratoga Ave., Ste. D-2
Saratoga, CA 95070

MARKED UP SHEET

6/6

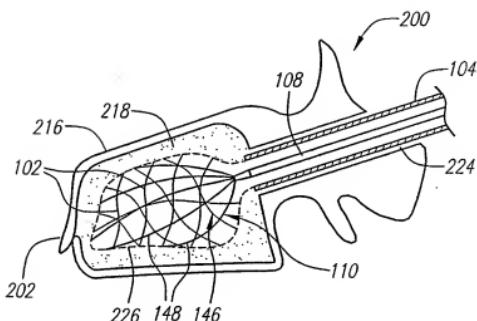


FIG. 9

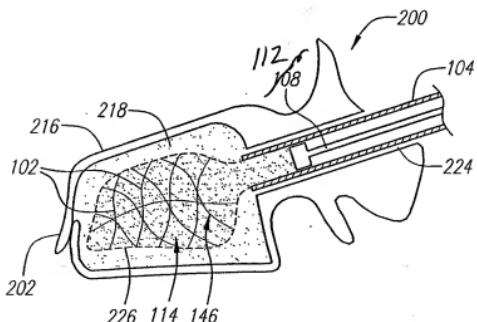


FIG. 10